

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING CONTINUATION/DIVISIONAL
APPLICATION UNDER 37 C.F.R. § 1.53(b)

MAIL STOP PATENT APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Customer No. 21839



Sir:

This is a request for filing a ☐ continuation ☒ divisional application under 37 C.F.R. § 1.53(b) of pending Application No. 09/830,391 filed on July 30, 2001, for MODIFIED ADENOVIRAL FIBRE AND USES THEREOF, by the following named inventor(s):

- (a) Full Name Mark Johan VAN RAAIJ
- (b) Full Name Stephen CUSACK
- (c) Full Name Valerie LEGRAND
- (d) Full Name Philippe LEISSNER
- (e) Full Name Majid MEHTALI

- ☐ Applicant(s) hereby requests that the above-captioned application **NOT BE PUBLISHED** under 35 U.S.C. § 122(b) and 37 C.F.R. § 1.211. The undersigned hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.
- ☒ The entire disclosure of the prior application from which a copy of the oath or declaration is supplied herewith is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☐ This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(2), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application.

- (a) Full Name _____
- (b) Full Name _____
- (c) Full Name _____

- ☐ This application is being filed by more than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(5), a new oath or declaration is enclosed, and the Commissioner is requested to add the name(s) of the following person or persons who are inventors of the invention being claimed in this application.

- (a) Full Name _____
- (b) Full Name _____
- (c) Full Name _____

- ☐ Applicant(s) suggests Figure _ for inclusion on the front page of the patent application publication and/or patent.
- ☒ Applicant(s) requests that the published application include the following assignment information: TRANSGENE, S.A., 11 rue de Molsheim, 67000 Strasbourg, FRANCE.
1. ☒ Enclosed is a copy of the prior Application No. 09/830,391 as originally filed on July 30, 2001, including copies of the specification, claims, drawings and the executed oath or declaration as filed.
 2. ☐ Enclosed is a revised prior application and a copy of the prior executed oath or declaration as filed. No new matter has been added to the revised application.
 3. ☐ Small entity status is hereby claimed.
 4. ☒ The filing fee is calculated below ☒ and in accordance with the enclosed preliminary amendment:

C L A I M S					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$750.00 (1001)
Total Claims	20	MINUS 20 =	0	× \$18.00 (1202) =	0.00
Independent Claims	1	MINUS 3 =	0	× \$84.00 (1201) =	0.00
If multiple dependent claims are presented, add \$280.00 (1203)					
Total Application Fee					750.00
If small entity status is claimed, subtract 50% of Total Application Fee					
Add Assignment Recording Fee of \$_ if Assignment document is enclosed					
TOTAL APPLICATION FEE DUE					750.00

5. ☐ This application is being filed without a filing fee. Issuance of a Notice to File Missing Parts of Application is respectfully requested.
6. ☐ Charge \$ _____ to Deposit Account No. 02-4800 for the fee due.
7. ☒ A check in the amount of \$ 750.00 is enclosed for the fee due.
8. ☒ The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

9. ☒ Cancel in this application original claims 1-25 and 28-35 of the prior application before calculating the filing fee.
10. ☐ New drawings are enclosed.
11. ☒ Priority of Application No. 99/10859 filed on August 27, 1999 in FRANCE (country) is claimed under 35 U.S.C. § 119.
- ☒ The certified copy of the priority application
- ☐ is enclosed.
- ☒ was transmitted in the national stage application from the International Bureau.
- ☐ has not yet been filed.
12. ☐ Please amend the specification by inserting before the first line the sentence:
- ☐ --This application is a ☐ continuation ☐ divisional of Application No. __, filed on __.--.
- ☒ --This application is a ☐ continuation ☒ divisional of U.S. Application No. 09/830,391, filed on July 30, 2001, which was a national stage filing under 35 U.S.C. § 371 of International Application No. PCT/FR00/02377 filed on March 8, 2001.--.
- ☐ --This application is a ☐ continuation ☐ divisional of U.S. Application No. __, filed on __, which was a continuation of International Application No. __, filed on __.--.
13. ☒ A preliminary amendment is enclosed.
14. ☒ An Information Disclosure Statement is enclosed.
15. ☐ A General Authorization for Payment of Fees and Petitions for Extensions of Time is enclosed.
16. ☒ Also enclosed Copies from parent, Application No. 09/830,391 of the following documents: International Search Report; Verification of a Translation; PCT Form PCT/RO/101; PCT Form PCT/IB/301; Transmittal Letter with Reply Declaration Pursuant to 37 C.F.R. §§ 1.821-1.825; Paper copy of Sequence Listing Executed Declaration/Power of Attorney; and Notice of Recordation of Assignment Document; and Request to Use Computer Readable Form from Patent Application Pursuant to 37 C.F.R. § 1.821(e).
17. ☒ The power of attorney in the prior application is to Burns Doane Swecker & Mathis LLP.
- a. ☒ The power appears in the original papers in the prior application.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☒ Recognize as Associate Attorney Deborah H. Yellin, Reg. No. 45,904.

- d. ☐ Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

BURNS, DOANE, SWECKER & MATHIS, L.L.P.
Customer Number: **21839**
P.O. Box 1404
Alexandria, Virginia 22313-1404

Date: September 26, 2003

By:

Deborah H. Yellin
Reg. No. 45,904 for
Norman H. Stepno
Registration No. 22,716

ADDRESS OF SIGNATOR:

BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

- ☐ inventor(s)
☐ assignee of complete interest
☒ attorney or agent of record
☐ filed under 37 C.F.R. § 1.34(a)